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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/752,878	Applicant(s) JEFFRIES, MARK	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

Applicant is advised that should claim 7 be found allowable, claim 17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-15, 17-23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,231,597 to Pelcin.

Pelcin discloses a latching device comprising a housing (50) having at least one detent (60 and 62), a bolt (70) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 3), the bolt including an outer side and an inner side (figure 3), a spring member (96) operatively coupled to the bolt proximate to the inner side of the bolt (figures 3, 4, and 6), the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement

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within the housing (by urging ball 92 to an extended position against either the bolt housing, or one of the detents) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (92), and the housing extending around the bolt and configured for confining lateral and vertical movement of the bolt along the outer side (as viewed in figure 8, the housing completely surrounds the bolt), as in claim 1.

Pelcin additionally discloses the detent includes two detents (60 and 62) and the detents include protrusions extending from the housing (the ball cooperates with the detents, where the ball protrudes from the housing), as in claim 2, and a trailer (92) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (by urging ball 92 to an extended position against either the bolt housing, or one of the detents), as in claims 3 and 4.

Pelcin also discloses the spring member includes an arm (92 acts as an arm to prevent prohibited movement of the bolt) configured for exhibiting spring-like behavior, the arm including a tip (the apex of the ball), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 3), as in claim 5, as well as the housing envelops the bolt by extending completely around the bolt (as viewed in figure 8, the housing completely surrounds the bolt), as in claim 8, wherein the housing includes an outer surface configured for fitting in a corresponding shaped track in a structure (as shown in figure 8), as in claim 9.

Pelcin further discloses a latching device comprising a housing (50) having at least one detent (60 and 62), a bolt (70) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 3), the bolt including an outer side and an inner side (figure 3), a spring member (96) operatively coupled to the bolt proximate to the inner side of the bolt (figures 3, 4, and 6), the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (by urging ball 92 to an extended position against either the bolt housing, or one of the detents) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (92), and the housing extending around the bolt and configured for confining lateral and vertical movement of the bolt along the outer side (as viewed in figure 8, the housing completely surrounds the bolt), as in claim 10.

Pelcin additionally discloses a portion (92) configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 3), as in claim 11, and where the detent includes two detents (60 and 62) and the detents include protrusions extending from the housing (the ball cooperates with the detents, where the ball protrudes from the housing), as in claim 12, and a trailer (92) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (by urging ball 92 to an extended position against either the bolt housing, or one of the detents), as in claims 13 and 14.

Pelcin also discloses the spring member includes an arm (92 acts as an arm to prevent prohibited movement of the bolt) configured for exhibiting spring-like behavior, the arm including a tip (the apex of the ball), the tip defining the portion of the spring member configured

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for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 3), as in claim 15, as well as a tab (23), the tab in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claims 7 and 17, wherein the housing includes an outer surface configured for fitting in a corresponding shaped track in a structure (as shown in figure 8), as in claim 18.

Pelcin further discloses a latching device comprising a housing (17) having a detent (19) and at least one slot (76), a bolt (70) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 3), the bolt including an outer side and an inner side (figure 3), a spring member (96) operatively coupled to the bolt proximate to the inner side of the bolt (figures 3, 4, and 6), the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (by urging ball 92 to an extended position against either the bolt housing, or one of the detents) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (92), and the housing extending around the bolt and configured for confining lateral and vertical movement of the bolt along the outer side (as viewed in figure 8, the housing completely surrounds the bolt), a tab (126) in communication with the bolt, at least a portion of the tab configured for being received in and moving in the slot (figures 3 and 4), as in claim 19.

Pelcin additionally discloses the detent includes two detents (60 and 62) and the detents include protrusions extending from the housing (the ball cooperates with the detents, where the ball extends from the housing), as in claim 20, and a trailer (92) with a lip in communication

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with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (by urging ball 92 to an extended position against either the bolt housing, or one of the detents), as in claims 21 and 22.

Pelcin also discloses the spring member includes an arm (92 acts as an arm to prevent prohibited movement of the bolt) configured for exhibiting spring-like behavior, the arm including a tip (the apex of the ball), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 3), as in claim 23, wherein the slot is configured for confining movement of the at least a portion of the tab, for limiting the movement of the bolt in the extended position (figure 2 and 4), as in claim 25, as well as the housing envelops the bolt by extending completely around the bolt (as viewed in figure 8, the housing completely surrounds the bolt), as in claim 26, wherein the housing includes an outer surface configured for fitting in a corresponding shaped track in a structure (as shown in figure 8), as in claim 27.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 16, 24, and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelcin, in view of U.S. Patent Number 5,484,176 to Sallwasser.

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Pelcin discloses the invention substantially as claimed. Pelcin discloses a latching device comprising a housing (50) having an internal cavity (area within element 50), the internal cavity including at least one detent (60 and 62), a bolt (70) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 3), the bolt including an outer side and an inner side (figure 3), a spring member (96) operatively coupled to the bolt proximate to the inner side of the bolt (figures 3, 4, and 6), the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (by urging ball 92 to an extended position against either the bolt housing, or one of the detents) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (92), and the housing extending around the bolt and configured for confining lateral and vertical movement of the bolt along the outer side (as viewed in figure 8, the housing completely surrounds the bolt), as in claim 28. However, Pelcin does not disclose the housing having oppositely disposed grooves and where the bolt has lateral portion with edges on the outer side for receipt in the grooves, as in claims 6, 16, 24, and 28. Sallwasser teaches of a latching mechanism having a bolt housing (102) that has oppositely disposed grooves (104) therein, as well as an associated bolt (20) that has lateral portions (24 and 26) for receipt in the respective grooves in the same field of endeavor for the purpose of securely retaining the bolt within the housing with little movement in a lateral or vertical direction. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate lateral portions on the bolt, and grooves within the bolt housing, of Pelcin, associated with the respective lateral

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portions, as taught by Sallwasser in order to securely retaining the bolt within the housing with little movement in a lateral or vertical direction.

Pelcin further discloses the detent includes two detents (60 and 62) and the detents include protrusions extending from the housing (the ball cooperates with the detents, where the ball protrudes from the housing), as in claim 29, and a trailer (92) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (by urging ball 92 to an extended position against either the bolt housing, or one of the detents), as in claims 30 and 31.

Pelcin additionally discloses the spring member includes an arm (92 acts as an arm to prevent prohibited movement of the bolt) configured for exhibiting spring-like behavior, the arm including a tip (the apex of the ball), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 3), as in claim 32, as well as a tab (23), the tab in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claim 33, and the housing envelops the bolt by extending completely around the bolt (as viewed in figure 34, the housing completely surrounds the bolt), as in claim 8, wherein the housing includes an outer surface configured for fitting in a corresponding shaped track in a structure (as shown in figure 8), as in claim 35.

Response to Arguments

Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB *CB*
December 9, 2005


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER